EXHIBIT D

231407

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: NEURONTIN MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION	MDL Docket No. 1629 Master File No. 04-10981
	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:	Magistrate Judge Leo T. Sorokin
RUTH B. SMITH, as Executrix for the Estate of RICHARD H. SMITH, Deceased 05C1311	

PLAINTIFF'S SUPPLEMENTAL DISCLOSURE STATEMENT

PLEASE TAKE NOTICE, that, pursuant to Rule 26 of the Federal Rules of Civil Procedure, Plaintiff(s), by their attorneys, make and supplement their disclosures as follows.

These disclosures are made subject to all objections as to competence, materiality, relevance, or other objections as to admissibility that may apply in the event that any such response, or the information contained in it, is sought to be used in court. Plaintiff(s) expressly reserve all such objections.

A. Rule 26(a)(1)(A)(i): The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information -- that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Discovery and investigation in this action is ongoing. Based on the information reasonably available, Plaintiff(s) are unable at the present time to identify each and every individual who would have discoverable information that Plaintiff(s) may use to support their claims or defenses in this

case, and the subjects of such information. Plaintiff(s) reserve the right to supplement these disclosures as they become aware of additional individuals who have such information.

Subject to the foregoing and without waiver of any of Plaintiff(s) rights, the following individuals may have information that Plaintiff(s) may use to support their claims or defenses in this action:

1. Members of the Food and Drug Administration (FDA), Center for Drug Evaluation and Research (CDER) Advisory Committee, who attended the July 10, 2008 Joint Meeting of the Peripheral and Central Nervous System Drugs Advisory Committee (PCNS) and the Psychopharmacologic Drugs Advisory Committee (PDAC), to wit:

    a. Britt Anderson, M.D., Ph.D., University of Waterloo, 200 University Avenue West, Waterloo, ON Canada N2L 3G1;
    b. Jorge Armenteros, M.D., 2199 Ponce De Leon Boulevard, Suite 304, Coral Gables, Florida 33134;
    c. Robert W. Buchanan, M.D., University of Maryland School of Medicine, Maryland Psychiatric Research Center, Rm 1-19, P.O. Box 21247;
    d. Rochelle Caplan, M.D., Semel Institute for Neuroscience and Human Behavior, UCLA, 760 Westwood Plaza, Rm 48-269, Los Angeles, CA 90024;
    e. Larry Goldstein, M.D., Duke University Medical Center, Room 201A, Bryan Research Building, Durham, North Carolina 27710;
    f. Mark W. Green, M.D., Columbia University, 16 East 60th Street, Suite 440, New York, NY 10022;
    g. Gail W. Griffith, M.S., Washington, District of Columbia 20009;
    h. Gregory Holmes, M.D., Ph.D., Dartmouth-Hitchcock Medical Center, One Medical Center Drive, Lebanon, New Hampshire 03756;
    i. Lily Jung, M.D., M.M.M., Swedish Director, Neurology Clinic, Swedish Neuroscience Institute, Medical Center, Neurology Clinic, 600 Broadway, Suite 200, Seattle, Washington 98722;
    j. LCDR Diem-Kieu H. Ngo, Pharm. D., BCPS, CDER, FDA, 5630 Fishers lane, Room 1079, Rockville, Maryland 20857;
    k. Ying Lu, Ph.D., University of California, San Francisco, 185 Berry Street, Suite 350, San Francisco, CA 94143;
    l. Sandra F. Olson, M.D., Northwestern University Chicago, 710 North Lake Shore, 11th Floor, Chicago, Illinois 60611;
    m. Matthew Rizzo, M.D., Director, Division of Neuroergonomics, University of Iowa, 200 Hawkins Drive, Room 2144, Iowa City, Iowa 52242;
    n. Stacy Ann Rudnicki, M.D., Department of Neurology, University of Arkansas for Medical Sciences, 4301 w. Markham, #500, Little Rock, Arkansas 72205;

o. Susan K. Schultz, M.D., Associate Professor of Psychiatry, University of Iowa College of Medicine, 2-207 Psychiatry Research, 500 Newton Road, Iowa City, Iowa 52242-1000;
p. Marcia J. Slattery, M.D., M.H.S., Dept. of Psychiatry, University of Wisconsin School of Medicine and Public Heatlh, 6001 Research Blvd., Madison, Wisconsin 53719;
q. Yvette Waples, Pharm.D., CDER, FDA, 5630 Fishers Lane, Rm 1099, Rockville, Maryland, 20857;
r. Robert F. Woolson, Ph.D., Professor, Dept. of Biostatistics, Bioinformatics and Epidemiology, Medical University of South Carolina, 135 Cannon Street, Suite 303, P.O. Box 250835, Charleston, South Carolina 29425
s. Robert Temple, M.D., Director, Office of Drug Evaluation I, CDER, FDA, Rockville, Maryland 20857
t. Russel Katz, M.D., Director, Division of Neurology Products, CDER, FDA, Rockville, Maryland 20857;
u. Tom Laughren, M.D., Director, Division of Psychiatry Products, CDER, FDA, Rockville, Maryland 20857;
v. Alice Hughes, M.D., Associate Director for Safety, Division of Neurology Products, CDER, FDA, Rockville, Maryland 20857;
w. Evelyn Mentari, M.D., M.S., Clinical Safety Reviewer, Division of Neurology Products, CDER, FDA, Rockville, Maryland 20857;
x. Mark Levenson, Ph.D., Statistical Safety Reviewer, Quantitative Safety & Pharmacoepidemiology Group, Division of Biometrics 6, CDER, FDA, Rockville, Maryland 20857.

The subject of information that Plaintiffs may use to support its claims or defenses is the FDA's meta-analysis and issues related to antiepileptic drugs and suicidality that formed the basis of FDA's previously disclosed Alert on January 31, 2008.

To the extent any additional discovery and investigation provides additional facts and legal contentions that may substantially alter these disclosures, Plaintiff(s) reserve the right to amend or supplement without prejudice any and all disclosures herein consistent with those developments, including product identification, identifying other relevant witnesses and additional areas of information that support Plaintiff's claims and defenses in this case and identifying additional individuals with discoverable information that may be used to support Plaintiff's claims or defenses in this case.

B. Rule 26(a)(1)(ii): A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Because discovery and investigation in this action is ongoing, Plaintiff is unable at the present time, based on the information readily available, to identify all documents, compilations, and tangible things, if any, that Plaintiff may use to support claims or defenses in this case and the subject of such information.

Subject to the foregoing and without waiving any of Plaintiff's rights, Plaintiff submits the following:

1. Food and Drug Administration's "Statistical Review and Evaluation - Antiepileptic Drugs and Suicidality," dated May 23, 2008, available at the following website: http://www.fda.gov/ohrms/dockets/ac/cder08.html#PeripheralCentralNervousSystem;

2. Agenda, Meeting Roster, and Advisory Committee Questions presented at Food and Drug Administration's July 10, 2008 Joint Meetng of the Peripheral and Central Nervous System Drugs Advisory Committee (PCNS) and the Psychopharmacologic Drugs Advisory Committee (PDAC), previously provided by Plaintiffs on July 18, 2008 as part of Plaintiffs' Notice of Supplemental Authority in support of Plaintiffs' opposition to Defendants' motion to exclude the testimony of experts Dr. Trimble, Dr., Kruszewski and Dr. Blume. *See* MDL ECF Doc. # 1365.

3. Food and Drug Administration (FDA) Memorandum and Briefing Document, June 12, 2008, for the July 10, 2008 Joint Meeting of the Peripheral and Central Nervous System Drugs Advisory Committee (PCNS) and the Psychopharmacologic Drugs Advisory Committee (PDAC prepared by Russell Katz, M.D., Director, Division of Neurology Products/HFD-120, previously provided by Plaintiffs on July 18, 2008 as part of Plaintiffs' Notice of Supplemental Authority in support of Plaintiffs' opposition to Defendants' motion to exclude the testimony of experts Dr. Trimble, Dr., Kruszewski and Dr. Blume. *See* MDL ECF Doc. # 1365. The document is also available at the following website: http://www.fda.gov/ohrms/dockets/ac/cder08.html#PeripheralCentralNervousSystem;

4. FDA Clinical Review June 12, 2008: Antiepileptics and Suicide Data, by Evelyn Mentari, M.D., M.S., Clinical Safety Reviewer, Division of Neurology Products, CDER, FDA, previously provided by Plaintiffs on July 18, 2008 as part of Plaintiffs' Notice of Supplemental Authority in support of Plaintiffs' opposition to Defendants' motion to exclude

the testimony of experts Dr. Trimble, Dr., Kruszewski and Dr. Blume. *See* MDL ECF Doc. # 1365. The document is also available at the following website: http://www.fda.gov/ohrms/dockets/ac/cder08.html#PeripheralCentralNervousSystem;

5. FDA's powerpoint slide presentations related to Antiepileptic Drugs and Suicidality by Evelyn Mentari, M.D., M.S., Clinical Safety Reviewer, Division of Neurology Products, CDER, FDA, previously provided by Plaintiffs on July 18, 2008 as part of Plaintiffs' Notice of Supplemental Authority in support of Plaintiffs' opposition to Defendants' motion to exclude the testimony of experts Dr. Trimble, Dr., Kruszewski and Dr. Blume. *See* MDL ECF Doc. # 1365.

6. FDA's powerpoint slide presentations of FDA analysis and in rebuttal to Pfizer's analysis of Gabapentin and Pregabalin, by Mark Levenson, Ph.D., Statistical Safety Reviewer, Quantitative Safety and Pharmacoepidemiology Group, Division of Biometrics 6/CDER/FDA, previously provided by Plaintiffs on July 18, 2008 as part of Plaintiffs' Notice of Supplemental Authority in support of Plaintiffs' opposition to Defendants' motion to exclude the testimony of experts Dr. Trimble, Dr., Kruszewski and Dr. Blume. *See* MDL ECF Doc. # 1365.

7. Transcript of proceedings from Food and Drug Administration's July 10, 2008 Joint Meeting of the Peripheral and Central Nervous System Drugs Advisory Committee (PCNS) and the Psychopharmacologic Drugs Advisory Committee (PDAC), presented by Defendants to the U.S. District Court, District of Massachusetts, as Defendants' Exhibit 6, during the parties' *Daubert* hearing on July 23, 2008. Said transcript is also available at the following website: http://www.fda.gov/ohrms/dockets/ac/08/transcripts/2008-4372t1.pdf

To the extent any additional discovery and investigation provides additional facts and legal contentions that may substantially alter these disclosures, Plaintiff reserves the right to amend or supplement without prejudice any and all disclosures herein consistent with these developments, including identifying additional areas of information, relevant documents, and tangible things that support their claims or defenses in this case.

Pursuant to Fed. R. Civ. P. 26(b)(5), Plaintiffs object to disclosure or production of documents and materials generated during the course of this litigation that constitute attorney work product or that contain privileged attorney-client communications. These documents and materials may consist, among others, of communications or correspondence between counsel and Plaintiff to

facilitate the rendering of legal advice. These documents may be exempt from discovery pursuant to Fed. R. Civ. P.26(b)(3), 26(b)(4)(B), and/or the applicable attorney-client privilege.

Dated: August 13, 2008

s/ Kenneth B. Fromson

Kenneth B. Fromson
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Newburgh, NY 12551
845-562-0203 x 2755

231407

STATE OF NEW YORK
COUNTY OF ALBANY ss:

MICHELE FAY, being duly sworn says: I am not a party to the action, am over 18 years of age and reside at Watervliet, New York.

On August 18, 2008, I served a copy of the annexed **PLAINTIFF'S SUPPLEMENTAL DISCLOSURE STATEMENT** in the following manner:

By mailing same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U. S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Shook, Hardy & Bacon
Attorneys for Defendants
2555 Grand Blvd
Kansas City, MO 64108-2613

Davis, Polk & Wardwell
450 Lexington Avenue
New York, NY 10017

Michele Fay
Michele Fay

Sworn to before me on

18th day of August, 2008

NOTARY PUBLIC

George P. Vanier, Reg 01VE6003628
Notary Public, State of New York
Qualified in Rensselaer County
Commission Expires October 23, 2010